

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SUNLIGHT SOLUTIONS, LLC.,

Plaintiff,

v.

ORDER  
06-CV-683A

HOWARD BIRNBAUM,  
T/A HOMEGROWN HYDROPONICS,

Defendants.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On February 21, 2008, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendants' motion to dismiss the complaint and for a transfer of venue be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motion to dismiss and for a transfer of venue is denied.

The case is referred back to Magistrate Judge Scott for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: March 17, 2008